

**INLAND WETLANDS AGENCY
MEETING MINUTES**

May 16, 2005

PRESENT: Ken Braga, Sanford Cohen, Donald McConnell and Alternates Christine Murphy, Steven Hoffman and Adam Barber

ABSENT: Kim Flannery, Margo Wheeler and Alternate Jean Burns

STAFF

PRESENT: Matt Davis, Town Planner and Kristin Michaud, Recording Secretary

I. CALL TO ORDER:

Chairman Braga called the Inland Wetlands Agency (IWA) meeting to order at 7:32 PM at the Ellington Town Hall Annex, 57 Main Street, Ellington, CT and read the legal notice into record.

II. PUBLIC COMMENTS: NONE

III. PUBLIC HEARINGS:

1. #IW200507 – Pioneer Builders of Ellington, Inc. for a Permit to Conduct Regulated Activity for a 49 unit Age Restricted Cluster Housing development on property located at 22 Maple Street, APN 073-014-0000 & 58 Maple Street, APN 073-017-0000. (Continued from the April 18, 2005 meeting)

Chairman Braga read memo from Attorney Capossela dated 5/16/05 requesting that the hearing be continued to the June 20, 2005 meeting and granting an extension for that purpose.

BY CONSENSUS, THE COMMISSION CONTINUED THE PUBLIC HEARING TO THE JUNE 20, 2005 MEETING PER THE APPLICANT'S REQUEST.

VI. UNFINISHED BUSINESS: NONE

V. NEW BUSINESS:

BY CONSENSUS, THE COMMISSION ADDED TO THE AGENDA BY VOICE VOTE AND RECEIVED #IW200516—RICHARD MONTOVANI (NEW HOME), #IW200517—TOWN OF ELLINGTON (PRACTICE FOOTBALL FIELD & ACCESS WAY), #IW200518—TOWN OF ELLINGTON (FOOTBALL FIELD), & #IW200513—TOWN OF ELLINGTON (MIDDLE ROAD - CULVERT REPLACEMENT).

BY CONSENSUS, THE COMMISSION SCHEDULED A SPECIAL MEETING FOR A PUBLIC HEARING ON JUNE 2, 2005 FOR #IW200513—TOWN OF ELLINGTON (MIDDLE ROAD - CULVERT REPLACEMENT).

Items #IW200517 & #IW200518 will also be considered on that agenda under old business (No Hearing Required).

1. #IW200512 – Trim Out, LLC for a Permit to Conduct Regulated Activity within an Area of Influence for a 10' x 20' deck on property located at 30 Elizabeth Street, APN 019-126-0000.

Application received and to be considered on June 20, 2005, per requirements of state law.

2. #IW200515 – Development Services for a Wetland map amendment on property located on Windermere Avenue, APN 017-024-0000 & 018-003-0000.

BY CONSENSUS, A PUBLIC HEARING WILL BE HELD JUNE 20, 2005

3. #IW200514 – Development Services for a Permit to Conduct Regulated Activity within an Area of Influence for grading associated with construction of Age Restricted Cluster Housing Development on property located on Windermere Avenue, APN 017-024-0000 & 018-003-0000.

BY CONSENSUS, THE COMMISSION SCHEDULED A PUBLIC HEARING IN THE PUBLIC INTEREST FOR JUNE 20, 2005 FOR #IW200514—DEVELOPMENT SERVICES (AGE-RESTRICTED CLUSTER HOUSING DEVELOPMENT).

4. #IW200510 – Matthew Maznicki for a Permit to Conduct Regulated Activity within an Area of Influence for an 8' x 12' shed on property located at 72 Hoffman Road, APN 120-025-0000.

MOVED (HOFFMAN), SECONDED (BARBER) AND PASSED UNANIMOUSLY TO FIND AS A NON-SIGNIFICANT ACTIVITY WITHIN THE UPLAND REVIEW AREA AND APPROVE #IW200510 – MATTHEW MAZNICKI.

5. #IW200511 – Edward DeCarli for a Permit to Conduct Regulated Activity within an Area of Influence for earth excavation and associated improvements on property located at Sadds Mill & Green Road, APN 100-008-0000.

Jay Ussery, JR. Russo & Associates came forward for the application. He explained to the commission where the wetlands were located and that there are no impacts. There is a small stream running through the property.

MOVED (HOFFMAN), SECONDED (MCCONNEL) AND PASSED (A. BARBER – RECUSED) TO FIND AS A NON-SIGNIFICANT ACTIVITY WITHIN THE UPLAND REVIEW AREA AND APPROVE #IW200511 – EDWARD DECARLI.

IV. ADMINISTRATIVE BUSINESS:

1. Discussion: Bruce Luginbuhl Wetland Violation Status (Ludwig Road).

MOVED (HOFFMAN), SECONDED (MCCONNEL) TO AUTHORIZE THE PLANNER TO RELEASE THE \$1,500 SURETY, SUBJECT TO REVIEW, APPROVAL, EXECUTION AND RECORDING OF THE CONSERVATION EASEMENT AND CONSERVATION EASEMENT MAP ON THE LAND RECORDS, AND INSPECTION AND APPROVAL OF FINAL SITE STABILIZATION.

2. Discussion: Daniel Shustock Inland Wetland Matter (379 Somers Road).

Matt Davis, Town Planner explained that Mr. Shustock has not complied with the court stipulated agreement and as a result, he has asked the Town Attorney to request the court find Mr. Shustock in contempt and order fines and penalties. A court date has not been set, but should occur within 1 – 2 weeks.

NO MOTIONS OR DECISIONS MADE.

3. Discussion: Status of Compliance T & M Homes Ellington Highlands Subdivision.

The planner reported that the DEP has issued a "Notice of Violation" to T & M Homes for impacts on regulated wetlands. Also, there are again serious erosion problems both from the gravel pit (South) portion of

the project (Ben Moser's) and for the T & M portion (North). T & M has their engineer involved, and staff will be meeting on site with the DEP soon to coordinate our response. The issues need to be resolved before Planning & Zoning Commission grants final approval to T & M to proceed with phase IV, and before Planning & Zoning Commission approve Mr. Moser's gravel permit extension (Special Permit).

MOVED (BARBER), SECONDED (MCCONNEL) AND PASSED UNANIMOUSLY TO REQUEST THE TOWN PLANNER TO WRITE A MEMO TO THE PLANNING AND ZONING BOARD REQUESTING THAT THE PLANNING AND ZONING COMMISSION REQUIRE A SEPARATE EROSION CONTROL BOND AND BI-WEEKLY ENGINEER REPORTS AS CONDITIONS OF PHASE IV FINAL APPROVAL.

4. Discussion/Review: Draft Inland Wetland Regulation Amendments.

The planner requested that commissioners review the documents and prepare any comments they'd like the Inland Wetland Agency to consider.

5. Review of proposed subdivision on Shenipsit Lake Road, Tolland (abuts Ellington).

BY CONSENSUS, THE AGENCY HAD NO COMMENTS

6. Approval of the April 18, 2005 meeting minutes.

MOVED (MCCONNEL), SECONDED (MURPHY) AND PASSED (S. COHEN – ABSTAINED) TO APPROVE THE APRIL 18, 2005 MEETING MINUTES.

7. Correspondence:
 - a. Letter to Stan Kement from Matt Davis dated, 4/19/05. (Gravel permit/Inland Wetland Matter)

The planner noted that he is waiting for a date to inspect the site with Mr. Kement's wetlands agent, per Mr. Kement's reply to the Inland Wetland Agency's correspondence.

- b. Letter to Richard Pettinelli from State of Connecticut dated 4/13/05. (Diversion Permit determination)

The planner noted that the DEP concluded Mr. Thompson was correct and that a diversion permit was not required.

- c. Memo to Planning & Zoning Commission from Matt Davis dated 4/25/05. (Planimetrics Draft Proposal)
 - d. Memo to Land Use Commissions from Matt Davis dated 5/2/05. (Proposed FY 05-06 Budget Requests)

VII. ADJOURNMENT:

MOVED (MURPHY), SECONDED (HOFFMAN) AND PASSED UNANIMOUSLY TO ADJOURN THE MEETING AT 8:36 P.M.

Respectfully Submitted,

Kristin Michaud
Recording Secretary